

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE CUSTOM BOXES, INC.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.
)	
OHIO SECURITY INSURANCE COMPANY,)	
A DIVISION OF LIBERTY MUTUAL)	
INSURANCE COMPANY)	
)	
Defendant.)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1332 and 28 U.S.C. §§ 1441 and 1446, Defendant Ohio Security Insurance Company, (“Ohio Security”), by counsel, hereby files it Notice of Removal of this action to the United States District Court for the Northern District of Illinois, and in support thereof states as follows:

Procedural Background

1. On April 14, 2023, Plaintiff, The Custom Boxes, Inc., filed a complaint in the Circuit Court of Cook County, Illinois, Case Number 2023-CH-03647 styled *The Custom Boxes, Inc. v. Ohio Security Insurance Company* (“Complaint”).

2. Ohio Security was served with the Complaint on May 15, 2023.

Removal Requirements

3. Jurisdiction is proper in this Court pursuant to 28 USC § 1332(a)(1).
4. Venue is proper in the U.S. District Court for the Northern District of Illinois pursuant to 28 U.S.C. § 1446(a), as the state court action originated in Cook County, Illinois.
5. Ohio Security was the named Defendant in the Complaint filed in Cook County, Illinois.

True and legible copies of all process, pleadings, orders, and other papers or exhibits served in this action are attached hereto as Composite Exhibit “A,” in accordance with 28 U.S.C. § 1446(a).

6. A copy of this Notice of Removal will be filed by Ohio Security with the state court where this action is pending promptly after the filing of this Notice of Removal, pursuant to 28 U.S.C. § 1446(d).

7. Upon receiving a file-marked copy of this Notice of Removal, Ohio Security will serve a file-marked copy of this Notice of Removal upon counsel for Plaintiff.

Removal is Timely

8. A notice of removal is timely when it is filed within 30 days after receipt by the defendant of an initial pleading or if insufficient facts are pled in the complaint to establish diversity jurisdiction, then within 30 days after receipt by the defendant of a copy of an amended pleading, motion, order, or other paper from which it may first be ascertained that the case is one which is or has become removable. 28 U.S.C.A. § 1446(b)(1); (b)(3).

9. Pursuant to 28 U.S.C. § 1446(b)(1), the time for filing the notice of removal commenced on May 15, 2023, and Notice of Removal is due thirty days from May 15, 2023. Thus, this Notice of Removal is timely.

Amount in Controversy

10. The amount in controversy is in excess of this Court’s jurisdictional minimum of \$75,000, exclusive of interest and costs. Plaintiff seeks coverage for alleged damage to a large commercial printing press, and Plaintiff contends that the cost to repair and restore the press may be in excess of \$250,000, and the cost to replace the press may be even more.

Diversity of Citizenship

11. Complete diversity of citizenship exists between Plaintiff and Ohio Security.

12. The Complaint identifies The Custom Boxes, Inc. (“Custom”) as the plaintiff. Custom is an Illinois corporation with its principal place of business in Illinois. Accordingly, Custom is a citizen of the State of Illinois for purposes of diversity.

13. Ohio Security is incorporated in the State of New Hampshire with its principal place of business in Massachusetts. Accordingly, Ohio Security is a citizen of New Hampshire and Massachusetts for purposes of diversity.

14. Ohio Security issued the insurance policy in this case. Ohio Security is not, as Plaintiff alleges, a division of Liberty Mutual Insurance Company. In any event, Liberty Mutual Insurance Company is incorporated in the State of Massachusetts with its principal place of business in Massachusetts. Accordingly, Liberty Mutual is a citizen of Massachusetts for purposes of diversity.

Conclusion

15. This Court has subject matter jurisdiction over the current case as a matter of diversity jurisdiction. This Notice of Removal is timely filed. The amount in controversy exceeds \$75,000. There is complete diversity of citizenship in this action.

WHEREFORE, Defendant Ohio Security Insurance Company prays that the above-entitled cause, currently pending the Circuit Court of Cook County, Illinois, Chancery Division, Case Number 2023-CH-03647 be removed to the United States District Court for the Northern District of Illinois, and that this cause proceed in this Court as an action properly so removed.

Dated: May 31, 2023

/s/ K. Clark Schirle

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being served on all counsel of record identified on the below via U.S. Mail and via Electronic Mail this 31st day of May, 2023.

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